

**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
SECURITIES DIVISION**

IN THE MATTER OF DETERMINING
Whether there has been a violation
of the Securities Act of Washington by:

National Communications Marketing, Inc.; Stephen
Wolfe; ETS Payphones, Inc.; Charles E. Edwards;
Glen L. Ottmar; Earl C. Dennis; their employees and
agents,

Respondents

SDO - 012 - 01

**SUMMARY ORDER TO CEASE AND
DESIST**

Case No. 99-06-0176

THE STATE OF WASHINGTON TO:

National Communications Marketing, Inc.;
Stephen Wolfe; ETS Payphones, Inc.; Charles E.
Edwards; Glen L. Ottmar; Earl C. Dennis

STATEMENT OF CHARGES

Please take notice that the Securities Administrator of the State of Washington has reason to believe that Respondents, National Communications Marketing, Inc.; Stephen Wolfe; ETS Payphones, Inc.; Charles E. Edwards; Glen L. Ottmar; and Earl C. Dennis have violated the Securities Act of Washington (the "Securities Act") and that their violations justify the entry of an order of the Securities Administrator under RCW 21.20.390 to cease and desist from such violations. The Securities Administrator finds that delay in ordering the Respondents to cease and desist from such violations would be hazardous to the investors and to the public and that a Summary Order to Cease and Desist should be entered immediately. The Securities Administrator finds as follows:

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TENTATIVE FINDINGS OF FACT

Prior Litigation History

I.

On June 8, 1992, the National Association of Securities Dealers (“NASD”), a self-regulatory organization that oversees the activities of its broker-dealer members, filed a complaint against First Inland Securities, Inc. (“First Inland”) and Glen L. Ottmar (“Ottmar”), the president and owner/manager of First Inland. The NASD alleged that First Inland, through Ottmar, charged customers unfair markups on their purchases of Highland Gold stock thereby violating Article III, Sections 1 and 4 of the NASD Rules of Fair Practice (the “NASD Rules”). On October 8, 1992, the NASD issued a formal ruling that First Inland Securities, Inc., through Ottmar, violated Article III, Sections 1 and 4 of the NASD Rules by charging unfair mark-ups in the sale of equity securities. The NASD censured First Inland and Ottmar, required them to pay, jointly and severally, restitution of \$29,393.70 and a fine of \$5,000. The NASD also required Ottmar to requalify as a general securities principal. First Inland, and Glenn L. Ottmar, appealed the NASD disciplinary action to the U.S. Securities Exchange Commission (the “SEC”), the agency with federal oversight of the NASD.

II.

On April 25, 1994, the SEC affirmed the findings made and sanctions imposed by the NASD against First Inland Securities, Inc. and Glen L. Ottmar.

III.

On September 25, 1998, the State of Kansas Securities Commissioner issued an Emergency Cease and Desist Order against National Communications Marketing, Inc.; Stephen Wolfe; ETS Payphones, Inc.; Charles E. Edwards; and their representative or agents for the sale of unregistered securities and acting as an unregistered broker-dealer or agent in violation of Kansas state securities laws.

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IV.

On January 8, 1999, the State of Wisconsin Department of Financial Institutions Securities Division issued a Summary Order of Prohibition against National Communications Marketing, Inc.; Thomas E. Murray; Stephen D. Wolfe; and Jerry Klemp for the offer of unregistered securities and acting as an unlicensed securities agent in violation of Wisconsin state securities laws.

Parties

V.

National Communications Marketing, Inc. is a sales marketing firm for ETS Payphones, Inc., and has a business address of One Park Place, 20423 State Road 7, Suite 109, Boca Raton, Florida 33498.

VI.

Stephen Wolfe is the Director of Marketing for National Communications Marketing, Inc.

VII.

ETS Payphones, Inc., is a Georgia corporation and has a business address of 561 Thornton Road, Suite K, Lithia Springs, Georgia 30122.

VIII.

Charles E. Edwards is the Chief Executive Officer and Chairman of ETS Payphones, Inc.

IX.

Glen L. Ottmar is a sales representative of National Communications Marketing, Inc., and holds himself out as a "Senior Planner" with Inland Estate Services, Inc. which has business addresses of 3618 Lake Washington Boulevard S.E., Bellevue, Washington 98006 and 1718 Broadway, #110, Spokane, Washington 99201.

X.

Earl C. Dennis is also a sales representative of National Communications Marketing, Inc. His last

1 known address is 1113 South A Avenue, Edmonds, Washington 98020.

2 Offer and Sale of Securities

3 XI.

4 During 1999 and 2000, Respondents National Communications Marketing, Inc.; Stephen Wolfe; ETS
5 Payphones, Inc.; and Charles E. Edwards, acting in concert and on behalf of each other (and acting through
6 their local representatives, including but not limited to Glen L. Ottmar and Earl C. Dennis), offered and sold
7 to at least three elderly Washington residents investments in payphones and services offered by or through
8 National Communications Marketing, Inc. and ETS Payphones, Inc. The investments in payphones and
9 services related to ETS Payphones, Inc.'s "Payphone Equipment Lease Program." The Washington residents
10 received an ETS Payphones, Inc. "Basic Disclosure Document" and other offering or promotional materials
11 which described the payphone investment opportunity. The investment choices offered to the Washington
12 residents included three options: Option #1 was the "Internal Maintenance Program," a turnkey operation,
13 under which the purchaser arranges for installation, maintenance and collection of payphones purchased from
14 ETS Payphones, Inc.; Option #2 was the "Turn Key Maintenance Program," under which a payphone
15 management company for a monthly fee would manage, maintain, repair, and make collections for the
16 payphones on behalf of the investor; Option #3 was the "Payphone Equipment Leasing Program," under
17 which a payphone management company leases phones from a purchaser/investor for 5 years at \$82.00 per
18 month, per unit. Options 2 and 3 do not require the purchaser/investor to take an active role in the control or
19 management of the investment.

20 Anti-Fraud Violations in the Offer and Sale of Securities

21 XII.

22 Although Respondents did provide to Washington residents a "Basic Disclosure Document" and
23 other offering or promotional materials relating to ETS Payphones, Inc.'s "Payphone Equipment Lease
24 Program," these materials failed to adequately disclose to prospective investors material facts relating to
the payphone investment opportunity, including but not limited to the following: (1) the fact that on April

1 25, 1994, the SEC had upheld sanctions against Glen L. Ottmar and a company he owned and managed
2 for unfair practices in the securities business in violation of NASD Rules; (2) that on September 25, 1998,
3 the State of Kansas Securities Commissioner issued an Emergency Cease and Desist Order against
4 National Communications Marketing, Inc.; Stephen Wolfe; ETS Payphones, Inc.; Charles E. Edwards;
5 and their representative or agents for the sale of unregistered securities and acting as an unregistered
6 broker-dealer or agent in violation of Kansas state securities laws; (3) that on January 8, 1999, the State of
7 Wisconsin Department of Financial Institutions Securities Division issued a Summary Order of
8 Prohibition against National Communications Marketing, Inc.; Thomas E. Murray; Stephen D. Wolfe; and
9 Jerry Klemp for the offer of unregistered securities and acting as an unlicensed securities agent in
10 violation of Wisconsin state securities laws; (4) the business history and experience of Respondents; (5)
11 the material risks of the payphone investment; (5) the amount of commissions and selling expenses to be
12 paid out of the proceeds of the offering; and (6) failed to adequately disclose the financial condition of
13 ETS Payphones, Inc. or National Communications Marketing, Inc. by failing to provide investors or
14 prospective investors any financial information or statements of any kind.

15 Unregistered Securities

16 XIII.

17 ETS Payphones, Inc. is not currently registered to sell the ETS Payphone Equipment Lease Program
18 or securities of any kind in the state of Washington, and has not previously been so registered.
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20 Unregistered Broker-Dealer/Securities Salesperson

21 XIV.

1 National Communications Marketing, Inc.; Stephen Wolfe; and Charles E. Edwards are not currently
2 registered under the Securities Act of Washington as broker-dealers or securities salespersons in the state of
3 Washington and have not previously been so registered.

4 XV.

5 Glen L. Ottmar, a former stockbroker registered with the Securities Division from 1983 to 1993, is
6 not currently registered under the Securities Act of Washington as a broker-dealer or securities salesperson in
7 the state of Washington and was not registered as a broker-dealer or securities salesperson during all times
8 material to this order.

9 XVI.

10 Earl C. Dennis is not currently registered under the Securities Act of Washington as a broker-dealer
11 or securities salesperson in the state of Washington and was not registered as a broker-dealer or securities
12 salesperson during all times material to this order.

13 Harm to Public

14 XVII.

15 The Securities Administrator finds that the continued offering of ETS Payphones, Inc.'s "Payphone
16 Equipment Lease Program" in the manner described in the Tentative Finding of Fact above presents a threat
17 to the investing public.

18 Based upon the above Tentative Findings of Fact, the following Conclusions of Law are made:

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23 CONCLUSIONS OF LAW

24 I.

1 The offer and/or sale of the ETS Payphone Equipment Lease Program as described above constitutes
2 the offer and/or sale of a security as defined in RCW 21.20.005(10) and (12), to wit: an investment contract
3 and/or risk capital.

4 II.

5 The offer and/or sale of said securities was made in violation of RCW 21.20.010, the anti-fraud
6 provisions of the Securities Act, because Respondents failed to disclose to investors material facts as set forth
7 in the Tentative Findings of Fact above.

9 III.

10 The offer and/or sale of said securities was made in violation of RCW 21.20.140, the securities
11 registration requirement provision of the Securities Act, because no registration for such offer and/or sale is
12 on file with the Administrator of Securities of the state of Washington.

13 IV.

14 National Communications Marketing, Inc.; Stephen Wolfe; Charles E. Edwards; Glen L. Ottmar; and
15 Earl C. Dennis have violated RCW 21.20.040, the broker-dealer and salesperson registration requirement
16 provision of the Securities Act, by offering and/or selling said securities while not registered as a broker-
17 dealer or securities salesperson in the state of Washington.

18 The Securities Administrator finds that an emergency exists, that the continued violations of RCW
19 21.20.010, RCW 21.20.040 and RCW 21.20.140 constitute a threat to the investing public, and that a
20 summary order to cease and desist from those violations are in the public interest and necessary for the
21 protection of the investing public.

23 SUMMARY ORDER

24 Based on the foregoing, NOW, THEREFORE, IT IS HEREBY SUMMARILY ORDERED That
Respondents National Communications Marketing, Inc.; Stephen Wolfe; ETS Payphones, Inc.; Charles E.

1 Edwards; Glen L. Ottmar; and Earl C. Dennis each cease and desist from offering and/or selling securities
2 in any manner in violation of RCW 21.20.010.

3 Based on the foregoing, NOW, THEREFORE, IT IS HEREBY SUMMARILY ORDERED That
4 Respondents National Communications Marketing, Inc.; Stephen Wolfe; ETS Payphones, Inc.; Charles E.
5 Edwards; Glen L. Ottmar; and Earl C. Dennis each cease and desist from offering and/or selling securities
6 in any manner in violation of RCW 21.20.140.

7 Based on the foregoing, NOW, THEREFORE, IT IS HEREBY SUMMARILY ORDERED That
8 Respondents National Communications Marketing, Inc.; Stephen Wolfe; Charles E. Edwards; Glen L.
9 Ottmar; and Earl C. Dennis cease and desist from offering and/or selling securities in any manner in
10 violation of RCW 21.20.040.

11 AUTHORITY AND PROCEDURE

12 This Order is entered pursuant to the provisions of RCW 21.20.390 and is subject to the
13 provisions of Chapter 34.05 RCW. The Respondents may each make a written request for a hearing as set
14 forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING
15 accompanying this order. A hearing request should be made in writing and sent to Deborah R. Bortner,
16 Securities Administrator, Department of Financial Institutions, P.O. Box 9033, Olympia WA 98507-9033
17 to the attention of Brad Ferber. If a Respondent does not request a hearing, the Securities Administrator
18 intends to adopt the Tentative Findings of Fact and Conclusions of Law as final and make the Summary
19 Order to Cease and Desist permanent as to the Respondent.

20 WILLFUL VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE.

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22 Dated this 26th day of February 2001.

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Deborah R. Bortner

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Securities Administrator

Presented by: _____
Brad Ferber
Securities Examiner

Approved by: _____
Michael E. Stevenson
Chief of Compliance

1 of privilege recognized by law. You have the right to present evidence and witnesses in your own behalf, and to
2 cross-examine those witnesses presented in support of the Summary Order. You may require the attendance of
3 witnesses by subpoena. If you are limited English- speaking or hearing impaired, you have the right to have an
4 interpreter appointed at no cost to you, as discussed below.

5 INTERPRETER AVAILABILITY. If you or a witness for you is a person who, because of non-
6 English-speaking cultural background, cannot readily speak or understand the English language, or if you or a
7 witness for you is a person who, because of a hearing impairment or speech defect, cannot readily understand or
8 communicate in spoken language, including persons who are deaf, deaf and blind, or hard of hearing, AND
9 YOU NEED AN INTERPRETER, then a qualified interpreter will be appointed at no cost to you or to the
10 witness. You may request the appointment of a qualified interpreter by indicating your request on the attached
11 Application for Adjudicative Hearing form.

12 YOU ARE FURTHER NOTIFIED that if the Department of Financial Institutions does not RECEIVE
13 the Application for Adjudicative Hearing form within twenty (20) days from the date you received this notice,
14 this will constitute a waiver of your right to a hearing and the director will find that you do not contest the
15 allegations of the Summary Order. Upon such a finding by the director a final order will be immediately entered
16 disposing of this matter and ordering you to cease and desist as described in the Summary Order. If you desire a
17 hearing in this matter, please return the attached Application for Adjudicative Hearing to:

18 Washington State Department of Financial Institutions, Securities Division
19 Attn: Brad Ferber
20 Post Office Box 9033
Olympia, Washington 98507-9033

21 Dated this 26th day of February, 2001.

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24 Deborah R. Bortner
Securities Administrator

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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
SECURITIES DIVISION**

IN THE MATTER OF DETERMINING
Whether there has been a violation
of the Securities Act of Washington by:

National Communications Marketing, Inc.; Stephen
Wolfe; ETS Payphones, Inc.; Charles E. Edwards;
Glen L. Ottmar; Earl C. Dennis; their employees and
agents,
Respondents

SDO - 012(B)(1) - 01

APPLICATION FOR ADJUDICATIVE
HEARING

Case No. 99-05-0164

THE STATE OF WASHINGTON TO:

National Communications Marketing, Inc.

If you wish to contest the Summary Order To Cease And Desist and have an adjudicative
hearing, you must sign, date, and return this form within twenty (20) days of the date you received it, to:

Washington State Department of Financial Institutions
Securities Division
Attn: Brad Ferber
P. O. Box 9033
Olympia, Washington 98507-9033

FAILURE TO RETURN THIS FORM SO THAT IT IS RECEIVED BY THE DEPARTMENT OF
FINANCIAL INSTITUTIONS WITHIN TWENTY (20) DAYS OF THE DATE YOU RECEIVED IT WILL
CONSTITUTE A DEFAULT AND WILL RESULT IN THE LOSS OF YOUR RIGHT TO AN
ADJUDICATIVE HEARING AND WILL RESULT IN THE INFORMAL DISPOSITION OF YOUR CASE
AS AUTHORIZED BY RCW 34.05.440. In that case the Director may proceed to resolve this matter without
further notice or hearing. In such a case, the Director will immediately enter an appropriate order in disposition
of the Summary Order, to include prohibition against your engaging in certain business practices as described in
the Summary Order.

1 INSTRUCTIONS: Circle your desired responses to items I, II, and III below.

2 I.

3 I [REQUEST] [DO NOT REQUEST] a formal hearing in this matter.

4 II.

5 I [WILL] [WILL NOT] be represented by an attorney. His/her name, address, and telephone number
6 are:

7 _____

8 _____

9 III.

10 I [REQUEST] [DO NOT REQUEST] that a qualified interpreter be appointed at no cost to me to
11 interpret for (myself) or (my witness(es)). My, or my witness's(es'), primary language is ____
12 _____(identify language). My, or my witness's(es'), hearing impaired status
13 is _____(identify hearing impaired status). I understand that a
14 qualified interpreter will be appointed at no cost to me or to my witness(es).

15 IV.

16 You have the right: To demand a hearing; to be represented by an attorney at your own expense; to
17 subpoena witnesses to the hearing or subpoena the production of books or documents and to otherwise defend
18 against the Summary Order.

19
20 WARNING: FAILURE TO COMPLETE AND MAIL THIS DOCUMENT SO THAT IT IS
21 RECEIVED BY THE SECURITIES DIVISION WITHIN 20 DAYS AFTER YOU RECEIVED THE
22 SUMMARY ORDER TO CEASE AND DESIST WILL RESULT IN THE DISPOSITION OF THIS CASE AS
23 AUTHORIZED BY RCW 34.05.440.

24 Dated this _____ day of _____, 2001.

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National Communications Marketing, Inc., by:

Signature

Print Name and Title

Address (if identified address is incorrect):

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I.

I [REQUEST] [DO NOT REQUEST] a formal hearing in this matter.

II.

I [WILL] [WILL NOT] be represented by an attorney. His/her name, address, and telephone number are:

III.

I [REQUEST] [DO NOT REQUEST] that a qualified interpreter be appointed at no cost to me to interpret for (myself) or (my witness(es)). My, or my witness's(es'), primary language is ____
_____(identify language). My, or my witness's(es'), hearing impaired status is ____
_____(identify hearing impaired status). I understand that a qualified interpreter will be appointed at no cost to me or to my witness(es).

IV.

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WARNING: FAILURE TO COMPLETE AND MAIL THIS DOCUMENT SO THAT IT IS RECEIVED BY THE SECURITIES DIVISION WITHIN 20 DAYS AFTER YOU RECEIVED THE SUMMARY ORDER TO CEASE AND DESIST WILL RESULT IN THE DISPOSITION OF THIS CASE AS AUTHORIZED BY RCW 34.05.440.

Dated this _____ day of _____, 2001.

Stephen Wolfe, as Director of Marketing for National Communications Marketing, Inc. and individually:

Signature

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_____(identify hearing impaired status). I understand that a qualified interpreter will be appointed at no cost to me or to my witness(es).

IV.

You have the right: To demand a hearing; to be represented by an attorney at your own expense; to subpoena witnesses to the hearing or subpoena the production of books or documents and to otherwise defend against the Summary Order.

WARNING: FAILURE TO COMPLETE AND MAIL THIS DOCUMENT SO THAT IT IS RECEIVED BY THE SECURITIES DIVISION WITHIN 20 DAYS AFTER YOU RECEIVED THE SUMMARY ORDER TO CEASE AND DESIST WILL RESULT IN THE DISPOSITION OF THIS CASE AS AUTHORIZED BY RCW 34.05.440.

Dated this _____ day of _____, 2001.

ETS Payphones, Inc., by:

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Signature

Print Name and Title

Address (if identified address is incorrect):

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22 SUMMARY ORDER TO CEASE AND DESIST WILL RESULT IN THE DISPOSITION OF THIS CASE AS
23 AUTHORIZED BY RCW 34.05.440.

24 Dated this _____ day of _____, 2001.

1 Charles E. Edwards, as Chief Executive Officer and Chairman of ETS Payphones, Inc. and individually:

2 Signature

3 _____

4 Address (if identified address is incorrect):

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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
SECURITIES DIVISION**

IN THE MATTER OF DETERMINING
Whether there has been a violation
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Respondents.

SDO - 012(B)(5) - 01

APPLICATION FOR ADJUDICATIVE
HEARING

Case No. 99-06-0176

THE STATE OF WASHINGTON TO:

Glen L. Ottmar

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Securities Division
Attn: Brad Ferber
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Olympia, Washington 98507-9033

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AS AUTHORIZED BY RCW 34.05.440. In that case the Director may proceed to resolve this matter without
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24 Dated this _____ day of _____, 2001.

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Glen L. Ottmar:

Signature

Address (if identified address is incorrect):

1 INSTRUCTIONS: Circle your desired responses to items I, II, and III below.

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Earl C. Dennis:

Signature

Address (if identified address is incorrect):
